



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SENATE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

SC0022

Introduced 1/15/2016, by Sen. Napoleon Harris, III

SYNOPSIS AS INTRODUCED:

ILCON Art. III, Sec. 9 new
ILCON Art. III, Sec. 10 new
ILCON Art. IV, Sec. 2
ILCON Art. V, Sec. 7

Proposes to amend the Suffrage and Elections Article of the Illinois Constitution. Provides for the recall of all State Executive Branch officers and members of the General Assembly. Proposes to amend the Legislative and Executive Articles of the Illinois Constitution making conforming changes. Effective upon being declared adopted.

LRB099 16471 MGM 40806 e

1 SENATE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL
4 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
5 CONCURRING HEREIN, that there shall be submitted to the
6 electors of the State for adoption or rejection at the general
7 election next occurring at least 6 months after the adoption of
8 this resolution a proposition to amend Section 2 of Article IV
9 and Section 7 of Article V of the Illinois Constitution and to
10 add Sections 9 and 10 to Article III of the Illinois
11 Constitution as follows:

12 ARTICLE III
13 SUFFRAGE AND ELECTIONS

14 (IILCON Art. III, Sec. 9 new)

15 SECTION 9. INITIATIVE TO RECALL EXECUTIVE BRANCH OFFICERS OTHER
16 THAN THE GOVERNOR

17 (a) The recall of an executive branch officer other than
18 the Governor may be proposed by a petition signed by a number
19 of electors equal in number to at least 15% of the total votes
20 cast for Governor in the preceding gubernatorial election, with
21 at least 100 signatures from each of at least 25 separate
22 counties. A petition shall have been signed by the petitioning
23 electors not more than 150 days after an affidavit has been

1 filed with the State Board of Elections providing notice of
2 intent to circulate a petition to recall the Governor. The
3 affidavit may be filed no sooner than 6 months after the
4 beginning of the executive branch officer's term of office. The
5 affidavit shall have been signed by the proponent of the recall
6 petition, at least 20 members of the House of Representatives,
7 and at least 10 members of the Senate, with no more than half
8 of the signatures of members of each chamber from the same
9 established political party.

10 (b) The form of the petition, circulation, and procedure
11 for determining the validity and sufficiency of a petition
12 shall be as provided by law. If the petition is valid and
13 sufficient, the State Board of Elections shall certify the
14 petition not more than 100 days after the date the petition was
15 filed, and the question "Shall (name) be recalled from the
16 office of (executive branch office)?" must be submitted to the
17 electors at a special election called by the State Board of
18 Elections, to occur not more than 100 days after certification
19 of the petition. A recall petition certified by the State Board
20 of Elections may not be withdrawn and another recall petition
21 may not be initiated against an executive branch officer during
22 the remainder of the current term of office. Any recall
23 petition or recall election pending on the date of the next
24 general election at which a candidate for that executive branch
25 officer is elected is moot.

26 (c) If a petition to recall an executive branch officer has

1 been filed with the State Board of Elections, a person eligible
2 to serve as an executive branch officer may propose his or her
3 candidacy by a petition signed by a number of electors equal in
4 number to the requirement for petitions for an established
5 party candidate for the executive branch office, signed by
6 petitioning electors not more than 50 days after a recall
7 petition has been filed with the State Board of Elections. The
8 form of a successor election petition, circulation, and
9 procedure for determining the validity and sufficiency of a
10 petition shall be as provided by law. If the successor election
11 petition is valid and sufficient, the State Board of Elections
12 shall certify the petition not more than 100 days after the
13 date the petition to recall the executive branch officer was
14 filed. Names of candidates for nomination to serve as the
15 candidate of an established political party must be submitted
16 to the electors at a special primary election, if necessary,
17 called by the State Board of Elections to be held at the same
18 time as the special election on the question of recall
19 established under subsection (b). Names of candidates for the
20 successor election must be submitted to the electors at a
21 special successor election called by the State Board of
22 Elections, to occur not more than 60 days after the date of the
23 special primary election or on a date established by law.

24 (d) The executive branch officer is immediately removed
25 upon certification of the recall election results if a majority
26 of the electors voting on the question vote to recall the

1 executive branch officer. If the executive branch officer is
2 removed, then the Governor shall temporarily appoint a
3 qualified individual to the vacant executive branch office
4 until the executive branch officer elected at the special
5 successor election is qualified and (ii) the candidate who
6 receives the highest number of votes in the special successor
7 election is elected executive branch officer for the balance of
8 the term.

9 (ILCON Art. III, Sec. 10 new)

10 SECTION 10. INITIATIVE TO RECALL A MEMBER OF THE GENERAL
11 ASSEMBLY

12 (a) The recall of a member of the General Assembly may be
13 proposed by a petition signed by electors of the district that
14 elected the member equal in number to at least 15% of the total
15 votes cast for Governor in the preceding gubernatorial election
16 in that Legislative or Representative District. A petition
17 shall have been signed by the petitioning electors not more
18 than 150 days after an affidavit has been filed with the State
19 Board of Elections providing notice of intent to circulate a
20 petition to recall the member of the General Assembly. The
21 affidavit may be filed no sooner than 6 months after the
22 beginning of the member's term of office. The affidavit shall
23 have been signed by the proponent of the recall petition, at
24 least 20 members of the House of Representatives if the member
25 for which recall is sought is a member of the House of

1 Representatives, and at least 10 members of the Senate if the
2 member for which recall is sought is a member of the Senate,
3 with no more than half of the signatures of members from the
4 same established political party.

5 (b) The form of the petition, circulation, and procedure
6 for determining the validity and sufficiency of a petition
7 shall be as provided by law. If the petition is valid and
8 sufficient, the State Board of Elections shall certify the
9 petition not more than 100 days after the date the petition was
10 filed, and the question "Shall (name) be recalled from the
11 office of (House or Senate)?" must be submitted to the electors
12 at a special election called by the State Board of Elections,
13 to occur not more than 100 days after certification of the
14 petition. A recall petition certified by the State Board of
15 Elections may not be withdrawn and another recall petition may
16 not be initiated against a member of the General Assembly
17 officer during the remainder of the current term of office. Any
18 recall petition or recall election pending on the date of the
19 next general election at which a candidate for that member of
20 the General Assembly is elected is moot.

21 (c) If a petition to recall a member of the General
22 Assembly has been filed with the State Board of Elections, a
23 person eligible to serve as a member of the General Assembly
24 may propose his or her candidacy by a petition signed by a
25 number of electors equal in number to the requirement for
26 petitions for an established party candidate for the General

1 Assembly, signed by petitioning electors not more than 50 days
2 after a recall petition has been filed with the State Board of
3 Elections. The form of a successor election petition,
4 circulation, and procedure for determining the validity and
5 sufficiency of a petition shall be as provided by law. If the
6 successor election petition is valid and sufficient, the State
7 Board of Elections shall certify the petition not more than 100
8 days after the date the petition to recall the member of the
9 General Assembly was filed. Names of candidates for nomination
10 to serve as the candidate of an established political party
11 must be submitted to the electors at a special primary
12 election, if necessary, called by the State Board of Elections
13 to be held at the same time as the special election on the
14 question of recall established under subsection (b). Names of
15 candidates for the successor election must be submitted to the
16 electors at a special successor election called by the State
17 Board of Elections, to occur not more than 60 days after the
18 date of the special primary election or on a date established
19 by law.

20 (d) The member of the General Assembly is immediately
21 removed upon certification of the recall election results if a
22 majority of the electors voting on the question vote to recall
23 the member of the General Assembly. If the member of the
24 General Assembly is removed, then the office shall remain
25 vacant until the member of the General Assembly elected at the
26 special successor election is qualified and (ii) the candidate

1 who receives the highest number of votes in the special
2 successor election is elected as a member of the General
3 Assembly for the balance of the term.

4 ARTICLE IV

5 THE LEGISLATURE

6 (ILCON Art. IV, Sec. 2)

7 SECTION 2. LEGISLATIVE COMPOSITION

8 (a) One Senator shall be elected from each Legislative
9 District. Immediately following each decennial redistricting,
10 the General Assembly by law shall divide the Legislative
11 Districts as equally as possible into three groups. Senators
12 from one group shall be elected for terms of four years, four
13 years and two years; Senators from the second group, for terms
14 of four years, two years and four years; and Senators from the
15 third group, for terms of two years, four years and four years.
16 The Legislative Districts in each group shall be distributed
17 substantially equally over the State.

18 (b) Each Legislative District shall be divided into two
19 Representative Districts. In 1982 and every two years
20 thereafter one Representative shall be elected from each
21 Representative District for a term of two years.

22 (c) To be eligible to serve as a member of the General
23 Assembly, a person must be a United States citizen, at least 21
24 years old, and for the two years preceding his election or

1 appointment a resident of the district which he is to
2 represent. In the general election following a redistricting, a
3 candidate for the General Assembly may be elected from any
4 district which contains a part of the district in which he
5 resided at the time of the redistricting and reelected if a
6 resident of the new district he represents for 18 months prior
7 to reelection.

8 (d) Except in the case of a recall under Section 10 of
9 Article III, within ~~Within~~ thirty days after a vacancy occurs,
10 it shall be filled by appointment as provided by law. If the
11 vacancy is in a Senatorial office with more than twenty-eight
12 months remaining in the term, the appointed Senator shall serve
13 until the next general election, at which time a Senator shall
14 be elected to serve for the remainder of the term. If the
15 vacancy is in a Representative office or in any other
16 Senatorial office, the appointment shall be for the remainder
17 of the term. An appointee to fill a vacancy shall be a member
18 of the same political party as the person he succeeds.

19 (e) No member of the General Assembly shall receive
20 compensation as a public officer or employee from any other
21 governmental entity for time during which he is in attendance
22 as a member of the General Assembly.

23 No member of the General Assembly during the term for which
24 he was elected or appointed shall be appointed to a public
25 office which shall have been created or the compensation for
26 which shall have been increased by the General Assembly during

1 that term.

2 (Source: Amendment adopted at general election November 4,
3 1980.)

4 ARTICLE V
5 THE EXECUTIVE

6 (ILCON Art. V, Sec. 7)

7 SECTION 7. VACANCIES IN OTHER ELECTIVE OFFICES

8 If the Attorney General, Secretary of State, Comptroller or
9 Treasurer fails to qualify or if his office becomes vacant, the
10 Governor shall fill the office by appointment. Except in the
11 case of a recall under Section 9 of Article III, the ~~The~~
12 appointee shall hold office until the elected officer qualifies
13 or until a successor is elected and qualified as may be
14 provided by law and shall not be subject to removal by the
15 Governor. If the Lieutenant Governor fails to qualify or if his
16 office becomes vacant, it shall remain vacant until the end of
17 the term.

18 (Source: Illinois Constitution.)

19 SCHEDULE

20 This Constitutional Amendment takes effect upon being
21 declared adopted in accordance with Section 7 of the Illinois
22 Constitutional Amendment Act.